

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHAEL HARRIS,

Plaintiff,

v.

1:03-cv-00721-WSD

**RESURGENS SURGICAL
CENTER,**

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation issued by the Magistrate Judge (the “Report and Recommendation”) [14]. No objections to the Report and Recommendation have been filed. The Court having reviewed the factual findings in the Report and Recommendation and finding they are supported by the record in this case, the Court **ADOPTS AS ITS ORDER** the Report and Recommendation. This case is dismissed without prejudice for Plaintiff’s failure to serve Defendant with the summons and complaint in accordance with the requirements of Federal Rule of Civil Procedure 4(m) and Local Rule 41.2B. The Clerk is **DIRECTED** to close this case.

SO ORDERED, this 22nd day of November, 2004.

s/ WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE